IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12/12/2003

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The hon'ble Mr. Justice P. SATHASIVAM

Writ Petition No. 36000 of 2003
and
W.P.M.P.No. 43716 of 2003

R. Kaaruppan,
No.21, 2nd Street, Balaji Nagar,
Royapettah, Chennai-600 014. .. Petitioner.

-Vs-

1. Baljit Singh Sethi,
Secretary General,
The National Rifle Association of India,
Nehru Stadium, New Delhi-110 003.

2. Sivanthi Adithyan,
Vice President of the National Rifle
Association, Nehru Stadium, New Delhi-110 003. .. Respondents.

Petition filed under Article 226 of the Constitution of India, for
issuance of a Writ of Mandamus, as stated therein.

For petitioner:- Mr. R. Kaaruppan,
Party in person.

For Respondents:- Mr. P.S. Raman.

:ORDER

R. Kaaruppan, petitioner in this Writ Petition, seeks to issue a Writ of Mandamus, directing the respondents, Secretary General and Vice-President, The National Rifle Association of India to accept his entry for the trap and skeet events at the National clay pigeon shooting championship commencing from 10th December, 2003.

2. The case of the petitioner as set out in the affidavit filed in support of the writ petition is briefly stated hereunder:
The petitioner had not only qualified to take part in the National Clay Target Shooting Championship last year, but only reached the 9th National rank and rose even further upto the 6th rank at the National level in the trap shooting event. As far as skeet event is concerned, he had qualified despite not having been permitted to participate in the event for more than six years in

2002. By shooting a score of 89/125 in an intensely competed match and rose to the rank 9; hence he was entitled to participate in both the events. The respondents as usual did not intimate him about the fixtures. Immediately on coming to know about the event, on 28-11-2002 he sent his entries for all the three events. When he contacted the State Shooting Federation to forward his entries, he was informed that he should forward it directly to the National Rifle Association. He sent the same to the respondent by Courier along with a letter dated 28th December, 200 3. Though the respondents had been receiving entries directly and they did so in the year 1998, thereafter they refused to accept his request. When the entry had been sent to the respondents, it is not open to them to deny him to participate in the events. Only in his case the respondents are raising objections; hence the present writ petition for appropriate direction.

3. Heard the petitioner appearing in person and Mr. P.S. Raman, who was taking notice on behalf of the respondents.

4. Mr. R. Kaaruppan, after taking me through his qualification and ability in competing the events which started from 10th December, 2003 at Hyderabad, would contend that in the light of the attitude of the respondents, necessary direction may be issued to them for accepting his entry for the Trap and Skeet events in the National Clay Pigeon shooting championship. Even at the outset i.e., while considering the submissions made by the petitioner, Mr. P.S. Raman representing the respondents, would contend that the writ petition against the National Rifle Association of India is not maintainable, for which he relied on a decision of the Supreme Court and various orders passed by this Court. He also contended that the petitioner does not qualify to participate in the events as claimed.

5. In the light of the objection regarding maintainability of a writ petition against the National Rifle Association of India which is the respondent in this writ petition, I shall consider the question relating to maintainability at the foremost. Since the judgement of the Supreme Court and various decisions of this Court, to be referred hereinafter, are between the very same parties and directly on the point, I am of the view that there is no need to refer other factual matrix, as argued by the petitioner. Against the order dated 22-12-1999 made in Writ Petition No. 542/99, and dated 12-1-2000 in W.M.P.No. 258/2000 in W.P.No. 542/99 of this Court, the petitioner herein preferred Special Leave to appeal (Civil) No. 1072-1973/2000 before the Supreme Court of India. The 1st respondent therein is the very same National Rifle Association of India. On 21-01-2000 upon heaqring the petitioner in person and learned counsel for the respondents-National Rifle Association of India and another, the Honourable Supreme Court has passed the following order:

"We do not think that a writ petition would lie against the first respondent and there is nothing in the writ petition which suggests that it would or even avers that it would. Secondly, we do not think that it is for this Court to interfere in decisions as to who should or should not be a representative of

the country in a sporting event".

Though Mr. R. Kaaruppan, petitioner himself enclosed a copy of the Supreme Court order in his typed-set of appers (vide page 1), by heavily relying on a decision of the Division Bench of this Court dated 22-12-1999 rendered in Writ Petition No. 542 of 1999 (V.S. Sirpurkar and K. Gnanaprakasam, JJ), he contended that, as the Division Bench has granted relief, particularly in his favour, by declaring that the petitioner would be entitled to take part in the further National competition in the trap event in which he had reached the minimum standards in the National Competitions, 1999, there is no need in going into the maintainability of the writ petition and no impediment would be caused in granting any relief as claimed by him. It is true that in the said writ petition, the Division Bench accepted the petitioner's case to some extent on merits. The Bench had no occasion to go into the maintainability of the writ petition. It is relevant to note that against the very same judgment of the Division Bench (in W.P.No. 542/1999)with regard to the disallowed portion, the petitioner has preferred S.L.P (Civil) No. 1072-1073/2000 before the Supreme Court, which I have already referred to. The S.L.P., was between the same parties, and the orderupon the petition came to be passed at the admission stage. In such a circumstance, I am of the view that so long as the said order subsists, the petitioner cannot get any relief against the National Rifle Association of India by filing a writ petition before this Court. In the light of the order of the Supreme Court dated 21-01-2000 in the said special leave to appeal, I am of the view that the petitioner is not entitled to rely on the Division Bench decision of this Court dated 22-12-1999.

6. It is also relevant to refer the subsequent decision of this Court. In Writ Petition No. 7975/2001 filed by the very same petitioner against the respondents, praying to issue a writ of declaration, declaring the National Clay Pigeon Shooting Championship 2001 to be held by the first respondent or his agents from 9th April to 1 8th April at Bikaner in Rajasthan as null and void and issue direction to the respondents to conduct the championship afresh, P. Shanmugam, J., after referring to the judgement of the Supreme Court in S.L.P.No. 1072-1073/2000 dated 21-1-2000, dismissed the said writ petition. The following conclusion of the learned Judge is relevant:

"The judgment between the inter-se parties is binding on the petitioner as well as this Court. The petitioner has not made out any case or averred, as set out in the Supreme Court's order that the writ petition will lie against the first respondent".

7. It is also brought to my notice that the Division Bench consisting of V.S. Sirpurkar and F.M. Ibrahim Kalifulla, JJ., in W.P.M.P.No. 3534 of 2003 and W.A.M.P.No. 543 of 2003 in W.P.No. 2042 5 of 1999 and W.A.No. 794 of 2002, declined to grant interim relief by order dated 4-2-2003, based on the observation of the apex Court. It is seen that the learned counsel appearing for National Rifle Association of India has brought to the notice of the Division Bench the order passed by the Hon'ble Supreme Court dated 21-1-2000 in S.L.P. No. 1072-1073/2000. It is further seen that after

perusing the said order, they accepted the objection raised by the learned counsel for the National Rifle Association of India.

8. It is also brought to my notice that the Hon'ble Chief Justice and K. Gnanaprakasam, J., while admitting Writ Petition No. 8121/2003, after referring to the order of the Supreme Court in S. L.P.No. 1072-1073/2000 dated 21-01-2000, declined to grant interim relief. However, the writ petition was admitted by the said Vision Bench as far as third respondent, namely, Sports Authority of India, New Delhi is concerned in order to verify whether they got any role or control in the affairs of the first respondent, namely, National Rifle Association of India.

9. It is also relevant to refer the latest order of another Division Bench consisting of Mr. M. Karpagavinayagam and S. Ashok Kumar, JJ., in Writ Petition Nos. 20425/99 and 8121/2003, Writ Appeal No. 794/2002 and Contempt Petition No. 368/2003 dated 5-12-2003. The said Vision Bench had an occasion to consider maintainability of a writ petition against National Rifle Association of India. The Hon'ble Division Bench, after taking the assistance of the learned Advocate General and after hearing the petitioner in person, counsel for National Rifle Association and after referring to various decisions of the Hon'ble Supreme Court as well as this Court and after analysing all the materials placed before them, have concluded in para 37 thus:
"37. So, there is no difficulty in holding that the Chennai Rifle Club or the National Rifle Association of India would not be construed to be a State within the meaning of Article 12 of the Constitution."

10. In the light of the order of the apex Court dated 21-01-2000 and the subsequent orders of this Court, referred to above, I hold that the respondent, namely, National Rifle Association of India is not a State within the meaning of Article 12 of the Constitution and no direction in the form of mandamus be issued as claimed by the petitioner. Though the petitioner, while arguing the case on 9 -12-2003 and 10-12-2003, has promised to palce other judgements/ decisions in support of his claim that the writ petition is maintainable against the Rifle Association of India, till date he has not furnished any other material. In the light of the binding decisions referred to above, I have no other option, except to dismiss the writ petition as not maintainable. In view of the above conclusion, there is no need to go into the merits of the claim made by the petitioner.

11. For all these reasons, the writ petition is dismissed. No costs. Consequently, W.P.M.P.No. 43716 of 2003 is closed.

R.B.

Index: Yes
Internet: Yes

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